UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,912	10/20/1999	JON ALLEN FORD	CASE-1	3426

7590 11/24/2003		EXAMINER
AVAYA INC		SHAFFER, ERIC T
DAVID VOLEJNICEK , ESQ		
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DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
      NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See continuation sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-59*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

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Applicant arguest that Bushey does not teach measuring how a resource is spending its time compared with other resources and goals. However, Walker does teach selecting a resource for a work item with a computer that causes a resource to be selected and to determine resources that are available and to evaluate resources that possess skills needed by the work item. Walker also teaches determining a business value, where said value is the a measure of the qualification of the resource to perform service for the work item based in the inhernet skills of the resource. Bushey explicity teaches an agent model system that matches resources best suited to handle a work item from a customer that used matching scores to call the best resource available, which first considers what the resource is currently assigned to in comparrison with other resources. Such a combination of both the Walker and Bushey references teaches the interpreted claimed system that determines available resources, determines a business value for the resource and selecting a resource that has the best value. It would have been obvious to combine these two inventions because such a combined system would allow employees to use and develop skills in their jobs, which would increase employee and customer satisfaction, productivity and profit by making a more efficient use of resources.

Applicant arguest that Bushey does not teach "a measure of how the work item is treated compared to other work items and treatment goals of the individual work items. However, the referenced claims 13, 21, 27, 30, 31, 34, 35, 48 and 56 do not mention this subject matter, but instead reference determining available work items, determining business value for said items, availability, and best combined value. The applicant's argument is unclear and / or not even related to the claims at hand.

Applicant arguest that Bushey does not teach the particular types of weights for the particular types of measures as recited by the applicant. However, Walker does teach that weight is considered when determining the value of a work item, while Bushey teaches allowing employees to use preference to assign weights in creating an agent model. In combination, both the Walker and Bushey references show that It would have been obvious to create this feature.

Applicant arguest that neither Bushey nor Walker teach a weighted business value. However, Walker does in fact teachas per the office action, the weight corresponding to the work item and that costs will be weighted for a work item.

Applicant arguest that Bushey does not teach scaling. However, Walker does teach weights used to scale values and Bushey teaches allowing employees to preference attributes using weights to create an agent model. In combination, both the Walker and Bushey references show that It would have been obvious to create this feature.

Applicant arguest that neither Bushey nor Walker teach computation of a weighted business values. However, Walker does teach all the limitations of the dependent claim, while Bushey does teach the use of the highest match score between the customer and agent. In combination, both the Walker and Bushey references show that It would have been obvious to create this feature.

Applicant arguest that neither Bushey nor Walker teach a wait time formula. However, Walker does teach the time estimated for a work item and weighted is predicted and displayed on a matrix and assigned to a resource who has the skills needed to complete the work item.

Applicant arguest that neither Bushey nor Walker teach how business value is determined for each available work item. However Bushey teaches that every resource contains a skill level and is weighted according to this skill level and with a work item.

Applicant arguest that neither Bushey nor Walker teach particular work item treatments that are comprised of wait time, estimated wait time, and time item has exceeded wait tiem. However, Walker teaches work items divided into categories of priority and a time dependent cost function that is found in every work item, which is used to calculate wait time.

Applicant arguest that neither Bushey nor Walker teach particular scaling factors. However Walker does teach weights for probabilities applied to items needing a particular skill, while Bushey teaches using a customer model using customer attributes and weights. In combination, both the Walker and Bushey references show that It would have been obvious to create this feature.